

HAWAII YOUTH SERVICES NETWORK

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Daryl Selman, President
Judith F. Clark, Executive Director
Aloha House
American Civil Liberties Union of Hawaii
Bay Clinic, Inc.
Big Brothers Big Sisters of Honolulu
Big Island Substance Abuse Council
Blueprint for Change
Bobby Benson Center
Catholic Charities Hawaii
Child and Family Service
Coalition for a Drug Free Hawaii
Courage House Hawaii
Domestic Violence Action Center
EPIC, Inc.
Family Programs Hawaii
Family Support Hawaii
Hale Kipa, Inc.
Hale 'Opio Kauai, Inc.
Hawaii Behavioral Health
Hawaii Student Television
Healthy Mothers Healthy Babies Coalition
Hina Mauka Teen Care
Hui Malama Learning Center
Kaanalike
Kahi Mohala Behavioral Health
KEY (Kualoa-Heeia Ecumenical Youth)
Project
Kids Hurt Too
Kokua Kalihi Valley
Life Foundation
Marimed Foundation
Maui Youth and Family Services
Palama Settlement
P.A.R.E.N.T.S., Inc.
Parents and Children Together (PACT)
Planned Parenthood of Hawaii
REAL
Salvation Army Family Intervention Svcs.
Salvation Army Family Treatment Svcs.
Sex Abuse Treatment Center
Susannah Wesley Community Center
The Catalyst Group
The Children's Alliance of Hawaii
Waikiki Health Center
Women Helping Women
YWCA of Kauai

March 13, 2015

To: Representative Dee Morikawa, Chair
And members of the Committee on Human Services

Testimony on SB 1014 SD1 Relating to the Houseless Bill of Rights

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving agencies, supports SB 1014 Relating to the Houseless Bill of Rights.

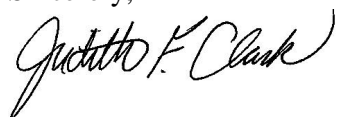
Homeless persons often experience discrimination based on their appearance or lack of permanent address. Employment, voting, emergency medical care, and access to government services are important for them.

In particular, the lack of access to hygiene and toilet facilities is of concern. Business owners and residents should be allowed to restrict the use of their facilities to customers and guests. At the same time, all persons, no matter what their housing status is, need access to toilets. When public toilets are not available, the result is unpleasant smells and sights, and a public health hazard that could result in serious illness.

One of the frequent complaints about homeless persons is that they are dirty and smell bad. If public toilet and showers were readily available to homeless people, nearly all of them would bathe and wash their clothing on a regular basis. They would be less noticeable and less likely to experience discrimination if they were able to keep themselves clean.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH



WAIANAE UNITED METHODIST CHURCH

85-671 Farrington Highway ♦ Waianae, Hawaii 96792 ♦ Tel: 808-696-4027

March 15, 2015

TO: Honorable Chair Dee Morikawa,
Vice Chair Betrand Kobayashi,
and members of the Committee on Human Services
House of Representatives, State of Hawai'i

FROM: Reverend Debra K. Murray
Waianae United Methodist Church Senior Administrative Pastor

RE: SUPPORT for SB1014

I am the Senior Pastor of Waianae United Methodist Church. We are located within 1 block of two shelters; the U.S.Vets Civic Center, Pai'olu Kai'aulu , and Kahikolu Ohana Hale O Waianae and about 1/10 of a mile from the Boat Harbor. Our church has become a "safe sanctuary" providing restroom facilities, shade from the sun, water, clothing and volunteer implemented after school snacks and activities for families without a permanent address. And at night, far too many families seek safety and sleep under the stars on our property.

I stand in support of SB1014, SD1, the "Houseless Bill of Rights" for the following reasons: that no person's rights, privileges or access to public services may be denied solely because a person is houseless, and a houseless individual shall be granted the same rights as another person as listed under the Bill of rights listed below, however I am saddened that this bill has to be enacted. I am saddened that we have forgotten that we are all priceless human beings, unique, and miraculously made in the marvelous image of God and that we are to treasure one another and to hold one another in high esteem, even love one another as we love ourselves. To designate a person as "houseless" is pejorative and immediately marginalizing. Our society has allowed a person's possessions to define our acknowledgement of their personhood and whether they should be treated with dignity and have all rights as any other person. Shame on us. Let's go back to exploring and implementing ways to create a Hawaii where housing is affordable and employment provides attainable, and sustainable living for all.

The Houseless Bill of Rights:

(1) The right to engage in life-sustaining activities, including the right to use and move freely in public spaces, including but not limited to public sidewalks, public parks, public transportation, and public buildings, in the same manner as any other person without discrimination on the basis of housing status; (2) The right to equal treatment by all state and county agencies without discrimination on the basis of housing status; (3) The right to access fair housing and equal employment opportunity without discrimination due to the lack of a permanent mailing address or the fact that the individual's mailing address is the mailing address of a shelter or social service provider; (4) The right to emergency medical care free from discrimination on the basis of housing status; (5) The right to vote, register to vote, and receive documentation necessary to prove identity for voting without discrimination on the basis of housing status; (6) The right to protection from disclosure of records and information, without proper legal authority, and the right to confidentiality of records and information in accordance with the Federal Homeless Management Information System, the Patient Protection and Affordable Care Act, and the Federal Violence Against Women Act; (7) The right to a reasonable expectation of privacy in personal property, including but not limited to identification, food, water, medication, and all objects necessary for life-sustaining activities, such as clothing, blankets, pillows, and backpacks, to the same extent as personal property in a permanent residence; (8) The right to access temporary and permanent shelters without discrimination on the basis of any protected class; (9) The right to sleep in a legally parked automobile; provided that the automobile is properly registered, licensed, safety inspected, and insured; (10) The equal opportunity to have twenty-four-hour access to public hygiene facilities and live in decent, safe, sanitary, and healthful accommodations anywhere within the State, regardless of housing status, but not including access to environmentally sensitive areas; and (11) Action by the State, a county, or private organization shall not impede an individual's ability to maintain access to services essential to survival, including but not limited to medical services, shelter, food, and water. (b) The rights afforded to homeless persons to ensure that their person, privacy, and property are safeguarded and protected as set forth in this chapter are available only insofar as they are implemented in accordance with other state or county laws, state rules and regulations, federal law, and the constitutions of the State and the United States."



FIRST UNITED METHODIST CHURCH

1020 South Beretania Street ♦ Honolulu, Hawaii 96814-1492 ♦ Tel: 808-522-9555

March 13, 2015

TO: Honorable Chair Dee Morikawa,
Vice Chair Betrand Kobayashi,
and members of the Committee on Human Services
House of Representatives, State of Hawai'i

FROM: Reverend Amy C. Wake
First United Methodist Church Pastor

RE: SUPPORT for SB1014

Our church of over 500 members sits on Beretania Street just across from Thomas Square. We have been serving the poor and marginalized in our community for decades. We currently serve about 2,300 free meals a month, and provide bags of food and other essentials for an additional 500 individuals. (We host 180-200 people every Sunday for a free pancake breakfast; cook and serve about 4-5 meals a month for over 300 people at Next Step Shelter and Institute for Human Services; and provide bags of food for 500 individuals a month through our Foodbank.) All of this is done through volunteers and donations and gives us first-hand experience with those who are in need, particularly in the downtown area.

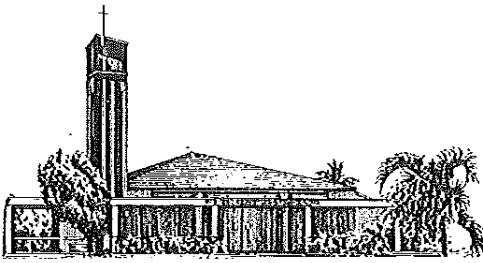
I stand in support of SB1014, SD1, the "Houseless Bill of Rights" for the following reasons:

- Current "sit-lie" ordinances have done nothing to curb homelessness in Hawaii, but instead have simply moved individuals and families from place to place, making them feel like criminals just because they are poor. The number one problem for those who are homeless is not addiction or crime, but exhaustion. Discouraging rest is not the solution.
- Current "obstruction" ordinances take from those who have the least. Items such as identification, school books, food, clothing, shoes, blankets, and basic necessities for life are confiscated, making it even harder to not only survive and access public resources, but also find permanent residence. It is counter-productive.
- Homelessness will not be resolved until there is enough housing that people can afford. Even studio apartments are out of reach for a person working full-time at minimum wage. People should not be penalized or criminalized because we as a state do not have enough affordable places to live.
- SB1014 makes it clear that people who live on the street are people first, not criminals. It affirms their sacred worth and helps them to survive with a bare minimum of dignity. How can you have the

wherewithal to search for employment and find housing when your number one concern is where you will be able to use the restroom throughout day and night? This is a basic human need.

At our church, all those who access our programs are friends and neighbors who are stuck in a cycle of poverty and homelessness that is very difficult to escape from. We believe in their right to equality and access to essential services. Only when we treat others with respect and dignity can we help them take the next step towards a fuller life.

Thank you for your support for equal rights for all.



James A. White, Senior Pastor
Joseph Siofele, Associate Pastor

AIEA UNITED METHODIST CHURCH

99-101 LAULIMA STREET, AIEA HAWAII 96701

PHONE: (808) 488-5354

E-MAIL: aumc@aumc.us

WEB: aieaumc.com

March 16, 2015

TO: Honorable Chair Dee Morikawa,
Vice Chair Betrand Kobayashi,
and members of the Committee on Human Services
House of Representatives, State of Hawai'i

FROM: Rev. James A. White
Aiea United Methodist Church

RE: SUPPORT for SB1014

Aloha from Aiea! I've been the senior pastor here for 15 years. During that time, I've come to know and associate with quite a few folks who were houseless. Some of those brought it upon themselves. Some were victims of poor choices. Mental illness impacted quite a few. Others were simply going through a very difficult season in their lives. Through it all, God has helped me to understand that each one of them is a person of worth (no matter how trying they may be to me at times!).

I've been made aware of a piece of legislation that you folks will be considering: SB1014, SKI... aka "The Homeless Bill of Rights." I'm by no means an expert in this area... but I do have a heart for the "least of these" among us, and believe that we as a society should be treating our houseless brothers & sisters with the same dignity, respect, and compassion that we'd want for ourselves. Here are some of the reasons I support this bill:

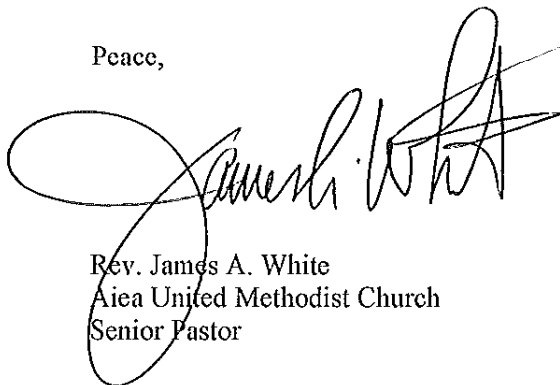
- SB1014 is clear that people who live on the street are people first, not criminals. It affirms their sacred worth and helps them to survive with a bare minimum of dignity.
- We can't keep forcing our houseless friends to move from site to site, because we're uncomfortable with having them around. Current "sit-lie" ordinances have done nothing to curb homelessness in Hawaii, but instead have simply moved individuals and families from place to place, making them feel like criminals just because they are poor. A recent colleague in ministry reminded me that the number one problem for those who are homeless is not addiction or crime, but exhaustion. Discouraging rest is not the solution.

- Current “obstruction” ordinances take from those who have the least. When items such as identification, blankets, shoes, clothing, school-books, food, and other basic necessities for life are confiscated, it makes it even harder to not only survive and access public resources, but also find permanent residence.

The bottom line for me is that we need to find enough housing that all of our citizens can afford. Instead of coming up with numerous rules & regulations that our houseless brothers & sisters need to capitulate with before they can be considered for some kind of permanent dwelling, let’s work to help them get a safe place to live first. SB1014 is a great way to start on this long and important journey.

Thank you for your consideration of this testimony.

Peace,

A handwritten signature in black ink, appearing to read "James A. White". The signature is stylized with a large, looping initial "J" and a long, sweeping horizontal stroke that extends to the right.

Rev. James A. White
Aiea United Methodist Church
Senior Pastor



DATE: March 15, 2015

TO: Honorable Chair Dee Morikawa, Vice Chair Bertrand Kobayashi, and members of the Committee on Human Services House of Representatives

FROM: C. Kent Coarsey, President and Executive Director
The Children's Alliance of Hawaii
& Founder of Family Promise of Hawaii

POSITION: SUPPORT for SB1014

A. JAMES WRISTON, JR., Esq.
Chair

MARY WORRALL
Vice Chair & Secretary

CRAIG WARREN
Treasurer

DIRECTORS:

JACKIE COLLINS BUCK

TIMOTHY CHANG

JENIFER EVANS

PAMELA FERGUSON-BREY, Esq.

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ALLEN KUBOTA

MEREDITH LOW

BRIDGET PALMER HOLTHUS, Esq.

LORI PHILLIPS, PhD

PENELOPE ROGERS

PATTI PETRI ROSE

C. KENT COARSEY
PRESIDENT/EXECUTIVE DIRECTOR

I am the founder of Family Promise of Hawaii, a network of churches, temples, synagogues and organizations that house families that are homeless and help them reach independence. I have been working with those who are homeless since high school.

I am in support of SB1014, SD1, the "Houseless Bill of Rights" for the following reasons:

- Current "sit-lie" ordinances have done nothing to curb homelessness in Hawaii, but instead have simply moved individuals and families from place to place, making them feel like criminals just because they are poor. The number one problem for those who are homeless is not addiction or crime, but exhaustion. Discouraging rest is not the solution.

- Current "obstruction" ordinances take from those who have the least. Items such as identification, school books, food, clothing, shoes, blankets, and basic necessities for life are confiscated, making it even harder to not only survive and access public resources, but also find permanent residence

- Homelessness will not be resolved until there is housing that all can afford. Studio apartments are out of reach for a person working full-time at minimum wage. People should not be criminalized because the state does not have enough affordable housing.

- SB1014 makes it clear that people who live on the street are people first, not criminals. It affirms their worth and helps them to survive with a bare minimum of dignity. How can you have the wherewithal to search for employment and find housing when your number one concern is where you will be able to use the restroom throughout day and night? This is a basic human need.

I believe in everyone's right to equality and access to essential services so that individuals, children and families can escape the cycle of poverty. Thank you for your support.



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E-mail: CAH@childrensalliancehawaii.org • Please visit us at www.childrensalliancehawaii.org

Hawaii Guerrilla Video Hui

H. Doug Matsuoka

PO Box 22046 / Honolulu HI 96823

15 March 2015

Re: Support for SB1014 Houseless Bill of Rights

Aloha Chair Morikawa, Vice Chair Kobayashi, and the Committee,

For the past several years I have documented the City and County of Honolulu's continuing onslaught on the homeless both on the street and at Honolulu Hale. In 2011, the Honolulu City Council emphatically denied that Bill 54 (11-029 ROH) specifically targeted the homeless. In fact, its implementation was almost solely against the homeless. By 2013, Bill 7 (13-8 ROH) openly targeted the homeless and is the current weapon of choice for the City's "no-knock midnight raids" against those who must find accommodation on our streets, underpasses, beaches, parks and wild areas. Honolulu's Mayor Caldwell himself authored and passed the current sit/lie ordinances that criminalize the homeless in Waikiki, and in broad swaths of Oahu.

Let me briefly make a few important points:

(1) Three states have already passed homeless bills of rights: Rhode Island, Illinois, and Wisconsin. Although the laws were opposed by those claiming that the homeless were already protected under existing laws, the homeless bills of rights prevailed by showing that there are classes of people who are systemically and disproportionately discriminated against that need explicit protection from discrimination under the law.

(2) Just as discrimination based on race, gender, religion, and sexual orientation require protections, discrimination against members of our community based solely on their inability to afford private accommodation requires specific protections.

(3) As the economy has improved, homelessness has increased. Between 2008 and 2013, homelessness in Hawaii increased by 30%. We cannot assume that a healthy economy will alleviate the problems associated with homelessness.

Whether or not those responsible for our public policy will address the causes of homelessness, protecting the civil rights of the homeless is needed more now than ever before.

Please take advantage of this opportunity to do the right thing. Pass a bill of rights for our houseless neighbors!

Mahalo for your public service,

H. Doug Matsuoka

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 16, 2015 3:14 AM
To: HUS testimony
Cc: ericbutler777@gmail.com
Subject: Submitted testimony for SB1014 on Mar 17, 2015 09:30AM

SB1014

Submitted on: 3/16/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------------|--------------------|--------------------|
| Eric Butler | WorldPeacePlan.org | Support | Yes |

Comments: WorldPeacePlan.org supports this bill. It should take affect as soon as possible. People should be allowed to sleep in registered legally parked vehicles.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

**TESTIMONY FOR SENATE BILL 1014, SENATE DRAFT 1, RELATING TO THE
HOUSELESS PERSON'S BILL OF RIGHTS**

**House Committee on Human Services
Hon. Dee Morikawa, Chair
Hon. Bertrand Kobayashi, Vice Chair**

**Tuesday, March 17, 2015, 9:30 AM
State Capitol, Conference Room 329**

Honorable Chair Morikawa and committee members:

I am Kris Coffield, representing the IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 300 local members. On behalf of our members, we offer this testimony in support of, with proposed amendments for SB 1014, SD1, relating to the houseless bill of rights.

Over the past three years, Honolulu Mayor Kirk Caldwell and the Honolulu City Council have enacted several ordinances aimed at “compassionately disrupting” homelessness on O’ahu. The most prominent of these ordinances are recently enacted sit-lie bans, which were originally implemented in high commerce areas like Waikiki, but have been expanded to commercial properties located in all regions of O’ahu, including windward and leeward towns and, most recently, malls bordered by businesses. Additionally, “obstruction” ordinances target property stored on sidewalks and houseless persons remaining in parks after operating hours. City officials erroneously argue that these measures are intended to preserve the legitimate, largely pedestrian, use of public space necessary for commercial and recreational conduct. If people can't walk down the sidewalk, city leaders contend, local entrepreneurs will not be able to receive customers and pedestrians will not be able to safely enjoy the unique cultural experience of our island home.

We believe these arguments are false for three reasons. First, the city ordinances amount to an unconstitutional criminalization of the homeless. Councilmembers have stated that the new laws do not specifically target the homeless, but rather anyone engaging in obstructive activity. Many judges and legal experts around the country have repeatedly argued that these laws are selectively enforced against the homeless in the form of unannounced property raids, which constitute an unconstitutional violation of the Fourth Amendment's search and seizure protections. For clarity, the Fourteenth Amendment provides that:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Again for clarity, the terms “search” and “seizure” were concisely summarized in the majority opinion to *United States v. Jacobsen*, 466 U.S. 109 (1984), which declared that Fourth Amendment, “protects two types of expectations, one involving 'searches', the other 'seizures'. A *search* occurs when an expectation of privacy that society is prepared to consider reasonable is infringed. A *seizure* of property occurs where there is some meaningful interference with an individual's possessory interests in that property.” According to these understandings, When law enforcement, without notice, raid a homeless encampment and usurp—and often destroy—homeless people's belongings, including basic government documents and identification, the city is infringing homeless people's civil rights.

Second, these ordinances, and sit-lie bans in particular, are ineffective, serving neither to increase local economic activity or improve services to the homeless. Instead, these ordinances place a significant cost upon local taxpayers. Every raid on a homeless encampment costs the City and County of Honolulu approximately \$15,000, according to Mayor Caldwell, and similarly burdensome expenses are borne by the storage and destruction of confiscated property and potential arrest, prosecution, and incarceration of violators. A 2012 report from the University of Berkeley School of Law's Policy Advocacy Clinic found that empirical claims about the economic benefits of nuisance ordinances that disproportionately target the homeless are “neither proven nor promising” and suggested, instead, that supportive housing strategies, such as Housing First initiatives, would better accomplish municipal goals of reducing homelessness, cutting crime rates, and boosting fiscal growth.

Third, the aforementioned city laws do not and cannot incentivize housing, unless an adequate supply of shelter space and affordable housing is available. Currently, Hawai'i has an adequate supply of neither. According to a 2011 planning study, up to 50,000 new housing units will need to be built by 2016 to satisfy demographic and economic demand. Failure to produce sufficient units for low- and moderate-income households at a time when the overall economy continues to stutter and consumer prices escalate could place more people on the streets. Shelter space, too, exceeds the total number of homeless people in the islands. In Honolulu alone, the Institute for Human Services emergency shelter houses 390 people, with Next Step Shelter housing another 220 individuals. Yet, in the 2014 State of Homelessness in America report, Hawai'i ranked highest among in the nation for homeless people per capita. A 2014 state-sponsored point-in-time tally found there were more than 4,700 homeless in Honolulu and another 2,200 on the neighboring islands, totals that likely underreport reality given the reluctance of large numbers of homeless to participate in government studies.

Criminalization will not cure homelessness, as this bill acknowledges by granting rights to homeless people that contravene city crackdowns. Only housing will help. Our efforts to end

poverty for our state's most vulnerable citizens should be spent toward increasing the supply of shelter space and truly affordable housing, including micro-housing and Housing First operations, available to those in need. Because the aforementioned nuisance laws disproportionately target the homeless, we submit that lawmakers have a responsibility to pass this bill establishing an enumerated bill of rights for people being turned into a suspect class through the repeated violation of their civil liberties. Criminal convictions often morph into discrimination, creating a legal trail that impairs a person's ability to obtain housing, employment, higher education, and more. As the National Coalition for the Homeless wrote in 2014, as many as 70 percent of homeless people are already subject to “economic profiling,” a form of discrimination in which law enforcement, private business, medical, and even social programs deny services because of real or perceived houselessness.

We also note that this bill could correct shelter abuses experienced by homeless people, including denial of personal banking information and inability to sleep in legally parked vehicles (currently criminalized under section §291C-112). That said, we request consideration of four amendments to confront shelter abuses not covered by the bill and maximize this measure's impact. First, we believe that the rights enumerated in this bill are only as effective as they are enforceable and, thus, encourage the committee to replace the current contents of subsection (b) with language allowing a court to award a plaintiff if a violation of any of the enumerated rights occurs (the SD2 language of this subsection, in our view, could subjugate the bill to the city ordinances and state laws that violate the rights it covers). We suggest the following language for subsection (b): **(b) A court of competent jurisdiction may award a plaintiff if violation of these rights occurs.** Second, to ensure that the rights outlined in this measure align with state programs for homeless persons, we urge you to align this bill's definition of “houseless” with the definition of homeless in HRS §346-361 by amending the definition of “houseless” to read: **As used in this section, “houseless” means “homeless” as defined in section 346-361.** Third, we suggest adding an additional subsection to address exorbitant shelter fees, which range from \$90 to \$300 per month at IHS. We propose the following language to enact this amendment: **The right to participate in an emergency homeless shelter or program without financial harm and to the return of any fees paid for participation in an emergency homeless shelter or program.** Fourth and finally, we encourage you to address the lack of a substantive appeals process for evicted shelter residents by adding an additional subsection to the bill to read: **The right to access information about the rules for participating in a homeless shelter or program, a notice of cause upon eviction from a homeless shelter or program, and a process for appealing an eviction from a homeless shelter or program.**

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

March 16, 2015

Hawaii State House Human Services Committee
Rep. Dee Morikawa, Chair
Rep. Bertrand Kobayashi, Vice Chair
Rep. Della Au Belatti
Rep. Jo Jordan
Via Capitol.Hawaii.gov

Rep. Richard P. Creagan
Rep. Marcus R. Oshiro
Rep. Mark J. Hashem
Rep. Beth Fukumoto Chang

Dear Members of the Hawaii House Human Services Committee:

I write on behalf of the National Law Center on Homelessness & Poverty (“Law Center”) to urge the members of the Hawaii House Human Services Committee to take all necessary measures to support and pass **SB1014 SD1, the Houseless Bill of Rights**, which would protect the civil and human rights of people without homes. SB1014 responds to the growing discrimination and criminalization of homelessness within Hawaii and resolves to reduce the impact of homelessness on communities and individuals by establishing fundamental legal protections to safeguard homeless persons from common forms of discrimination and criminalization measures.

The Law Center is the nation’s only legal advocacy organization dedicated solely to ending and preventing homelessness. The mission of the Law Center is to use the power of the law to address the immediate and long-term needs of those who are homeless or at risk.

Since 1991, the Law Center has documented a dramatic increase in criminalization measures and the negative consequences of these discriminatory measures nationwide. A report by the Law Center, *No Safe Place: The Criminalization of Homelessness in the U.S. Cities (2014)*, demonstrates that despite record poverty and unemployment and a severe lack of affordable housing and emergency shelter, many municipalities, including those in Hawaii, have enacted or begun vigorously enforcing local measures that criminalize the life-sustaining activities of homeless people in public, even when there are no sheltered alternatives.

The report also documents that these discriminatory measures have proven to be ineffective and impractical to address the root causes of homelessness. Criminalization ordinances perpetuate homelessness, place unnecessary burdens on the criminal justice system and violate homeless individuals’ civil and human rights. Individuals cited or arrested will develop criminal records, making it more difficult for them to access needed employment, housing, and benefits. Efforts to move homeless persons out of downtown areas also disrupt existing relationships with service providers, making it more difficult for homeless persons to get the assistance they need. Thus, laws that cycle homeless people through the criminal justice system have the effect of increasing and prolonging homelessness.

Numerous studies have documented that criminalizing homelessness costs communities two to three times as much as simply providing housing to homeless individuals. In its 2012 report, *Searching Out Solutions: Constructive Alternatives to the Criminalization of Homelessness*, the federal government condemned criminalization policies and encourages constructive alternatives, emphasizing that “in addition to violating domestic law, criminalization measures may also violate international human rights law.” This principle was affirmed three times in 2014, as three U.N. treaty monitoring bodies in their

2000 M Street, N.W., Suite 210, WASHINGTON, DC 20036 | www.nlchp.org | PHONE: 202.638.2535 | FAX: 202.628.2737

reviews of the U.S. called for the abolition of the criminalization of homelessness and the implementation of constructive alternative policies. Passing SB1014 SD1 would help ensure Hawaii's reputation not only domestically, but internationally, as a leader in protecting human rights.

Our country has pledged in the Federal Plan to End Homelessness to end homelessness for all by 2020, and Honolulu Mayor Kirk Caldwell has joined the federal Mayor's Challenge to End Veterans' Homelessness by 2016. These goals will be impossible to achieve if criminalization measures continue in effect; statewide homeless bills of rights are among the best ways to ensure cities do not have a "race to the bottom" to criminalize and push out homeless individuals.

Our 2014 report *From Wrongs to Rights: The Case for Homeless Bills of Rights* shows a recent trend in cities and states taking additional measures to ensure the equal rights of homeless persons. Rhode Island, Connecticut, Illinois, and the United States territory of Puerto Rico have all enacted Homeless Bills of Rights. Similar legislation has also been proposed in California, Hawaii, Oregon, Vermont, and Missouri. These bills not only protect homeless individuals from discrimination and criminalization, but also help homeless people to realize those basic rights that most of society takes for granted.

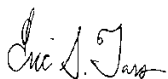
The Law Center would only make two friendly amendments to the bill:

- (1) in Sec. 4, we would clarify that the bill of rights "includes the following guarantees *to all, including* houseless individuals" [added text in *italics*]. This would affirm both the principle and spirit demonstrated through the rest of the bill that homeless persons are not seeking special privileges, but simply asking to be treated with the equal dignity and respect given to all citizens. Homeless persons have particular challenges in that unlike permanently housed individuals, they have no private space to perform many of the daily, life-sustaining tasks most of us take for granted, or face other challenges in navigating in society, and SB1014 provides the clarification to ensure they have the equal right to conduct these activities.
- (2) In Sec. 11(b) we would delete the existing language and replace it with:
"Any person injured by a violation of the rights set forth in this Act may bring a civil action for appropriate injunctive relief or declaratory relief and for damages sustained by the person, and, if the judgment is for the plaintiff, the plaintiff shall be entitled to recover actual damages and reasonable attorney's fees."

The Law Center urges the Hawaii Legislature to take all necessary steps to protect homeless individuals by passing SB1014 SD1, and encourages your committee to give it your unanimous endorsement. Our Founding Fathers proclaimed that all men are created equal and throughout the generations, our nation has continually labored to live up to this declaration. Now, it is time for Hawaii to affirm equality and dignity for all by passing SB1014 SD1, demonstrating to the nation and the world that no one's human rights should be jeopardized simply because they lack a permanent home.

Thank you for the opportunity to present these views. Please feel free to contact me at etars@nlchp.org or 202-638-2535 x. 120 with any questions or concerns.

Sincerely,



Eric S. Tars
Senior Attorney

March 16, 2015

NOTICE OF HEARING

DATE: Tuesday, March 17, 2015
TIME: 9:30am
PLACE: Conference Room 329
State Capitol
415 South Beretania Street

RE: TESTIMONY IN STRONG SUPPORT OF **SB1014 SD1 WITH AMENDMENTS
RELATING TO THE HOUSELESS BILL OF RIGHTS**

Defines specific rights granted to a person who is houseless including equal access to housing, jobs, and shelters, equal treatment by government agencies, and access to life-sustaining activities and essential services.

Dear Committee on Human Services:

The Pacific Alliance to Stop Slavery (PASS) strongly supports SB1014 SD1 with amendments. It is unfortunate that we must reify these basic rights for the houseless population, but due to recent policies resulting in the selective enforcement of unconstitutional City ordinances unlawfully targeting the houseless, we must create a living document to protect the basic human rights of the poor, which have been effectively eroded by City policies.

Due to the City's Sit-Lie, Sidewalk Nuisance, Park Closure, and Stored Property laws, coupled with the costly City raids enforced by these laws, the Houseless community suffers significant constitutional abuses of property and person.

Such violations include: the confiscation and disposal of identification documents including driver's licenses, state picture ID, social security cards, passports, and birth certificates. Many of these important documents are impossible to replace once taken. These documents are required to gain employment to exit out of poverty, maintain health care and required medication, obtain housing, and even enter into Housing First programs.

Other necessities are also taken by the City through these abusive laws, such as children's immunization records, school books, ambulatory aids for seniors, essential medication for serious illnesses such as heart disease and diabetes, and family heirlooms impossible to replace.

The unconstitutional confiscation and disposal of such property not only lead the houseless further into poverty and despair but also prevent them from accessing health care, housing, employment, education, and basic needs such as food and sanitary needs.

If these City laws did not exist, there would be no need to implement a Bill of Rights for the Houseless, but unfortunately, we have a situation wherein which a new type of class discrimination has been

established: discrimination based upon economic status. As such, we must establish that those who fall into this discriminated class of persons, be protected against new laws selectively enforced to disenfranchise their pursuit of happiness. We are obligated to recognize their rights and actively promote their equal protection under the 14th Amendment of the U.S. Constitution.

As the Civil Rights Act of 1964 set out to provide similar rights to people of color and women, we seek to establish the same type of protections for houseless individuals and houseless families today.

AMENDMENTS

We ask the Committee to delete section 11(b) completely and by replacing the language in 11(b) with the following:

1) 'Any person injured by a violation of the rights set forth in this chapter may bring a civil action for appropriate injunctive relief or declaratory relief and for damages sustained by the person, and, if the judgment is for the plaintiff, the plaintiff shall be entitled to recover actual damages and reasonable attorney's fees.'

2) The National Law Center on Homelessness and Poverty also suggests a friendly amendment which may address duplication of constitutional rights concerns (creating a special class), FROM THEIR TESTIMONY on SB1014:

"The Law Center would only make one friendly amendment to the bill: in Sec. 4, (p.2, line 21) we would clarify that the bill of rights *"includes the following guarantees to all, including houseless individuals"* [added text in italics]. This would affirm both the principle and spirit demonstrated through the rest of the bill that homeless persons are not seeking special privileges, but simply asking to be treated with the equal dignity and respect given to all citizens.

3) PASS also suggests that SB1014 to be amended to allow any houseless person not only the right to shelter but also the right to refuse shelter without discrimination or retaliation.

PASS finds that when a houseless person refuses to accept shelter, they may suffer prejudice, societal blame for their own poverty, and subsequent criminalization by recent laws outlawing their presence in public spaces.

Many houseless persons have good reason to refuse shelter. These reasons range from discrimination and mistreatment by shelter staff to being victims of serious crimes gone unaddressed and unreported within shelters. Other reasons are simple yet nevertheless also justifiable such as: infestation of bed bugs, overcrowding, security issues, threats of mistreatment, and refusal to participate in questionable programs that do not help them better themselves and their economic situation.

4) And lastly, the term "Houseless" in this bill should be amended to mean the same as "homeless" as per HRS section 346-361.



The general public and state lawmakers may be unaware of these issues because state law is not adequately developed when it comes to protecting the houseless throughout their journey through the services system. Which is why we kindly and respectfully urge you to pass SB1014 SD1 with amendments.

Mahalo for your consideration and time.


Sincerely,

Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery

TO: COMMITTEE ON HUMAN SERVICES

Rep. Dee Morikawa, Chair

Rep. Bertrand Kobayashi, Vice Chair

FROM: Attorney Daphne Barbee-Wooten, 
1188 Bishop 1908, Honolulu, HI 96813

DATE: Tuesday, March 17, 2015

TIME: 9:30 am

PLACE: Conference Room 329

TESTIMONY IN SUPPORT OF HOUSELESS BILL OF RIGHTS - SB1014-1

Dear Chair Morikawa and Committee members:

My name is Daphne Barbee-Wooten. I am a civil rights attorney practicing in Hawaii. I support the Houseless Bill of Rights.

Legislation protecting the civil and human rights of houseless people is need in Hawaii. These laws affirm that houseless people have equal rights to medical care, free speech, free movement, voting, opportunities for employment, privacy and freedom from harassment/hate crimes. Legislation of this type are law in Rhode Island, Connecticut and Illinois, and in Puerto Rico.

"Laws that criminalize visible homelessness are immoral and offend our basic human instincts. They are contrary to the fundamental religious and political principals from which the American people seek guidance, and their existence demonstrates that we have fallen vastly short of our religious and foundational aspirations. The National Law Center on Homelessness and Poverty See also "Hate Crimes Against the Homeless: An Organizing Manual for Concerned Citizens", National Coalition for the Homeless, January 2012.

I recall Hawaii State Representative Tom Brower on the news urging people to take a sledge hammer to houseless people's shopping carts in November 2013. The next weekend, a December 4, 2013 a homeless person was bludgeoned with a hammer and then later in December 27th here was another attack. Both houseless men died. Is this Aloha in Hawaii? We need to treat homeless people with compassion, not hatred. Hawaii is fast becoming a place for the rich. Condo's are selling for 28 million dollars, while the working class is struggling to pay bills and could be houseless in the near future. This is a far cry from the Aloha Hawaii once offered to everyone.

Please amend SB1014 SD1 by deleting section 11(b) completely and by replacing the language in 11(b) with the following:

'Any person injured by a violation of the rights set forth in this Act may bring a civil action for appropriate injunctive relief or declaratory relief and for damages sustained by the person, and, if the judgment is for the plaintiff, the plaintiff shall be entitled to recover actual damages and reasonable attorney's fees.'

This bill should be passed to ensure Hawaii is not a cruel, heartless place where the rich get richer with condos and homes, while the rest of its citizens are houseless, beaten with sledgehammer, can not shower and use the bathroom and are denied basic human rights. Pass this bill.

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 13, 2015 1:36 PM
To: HUS testimony
Cc: dmoraiswebster@gmail.com
Subject: Submitted testimony for SB1014 on Mar 17, 2015 09:30AM

SB1014

Submitted on: 3/13/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------------------|--------------|--------------------|--------------------|
| Dawn Morais Webster Ph.D. | Individual | Support | No |

Comments: The land of aloha must do better by the houseless. I support this bill and urge its passage. I also would like to recommend that SB 1014 SD1 be amended by deleting section 11(b) completely and by replacing the language in 11(b) with the following: "Any person injured by a violation of the rights set forth in this Act may bring a civil action for appropriate injunctive relief or declaratory relief and for damages sustained by the person, and, if the judgment is for the plaintiff, the plaintiff shall be entitled to recover actual damages and reasonable attorney's fees."

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 13, 2015 4:08 PM
To: HUS testimony
Cc: duanedgs@yahoo.com
Subject: Submitted testimony for SB1014 on Mar 17, 2015 09:30AM

Categories: Orange Category

SB1014

Submitted on: 3/13/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Duane Sosa | Individual | Support | No |

Comments: Aloha!!! My name is Duane Sosa. I am humbly submitting testimonial SUPPORT for SB 1014: the creation for a HOMELESS BILL OF RIGHTS. MAHALO

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 14, 2015 5:59 PM
To: HUS testimony
Cc: joyceleewalther@yahoo.com
Subject: Submitted testimony for SB1014 on Mar 17, 2015 09:30AM

Categories: Orange Category

SB1014

Submitted on: 3/14/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|--------------|--------------------|--------------------|
| JoyceLee Walther | Individual | Oppose | No |

Comments: " IF I DESTROY YOU. I DESTROY MYSELF. IF I HONOR YOU. I HONOR MYSELF. "
AS YOU DO UNTO OTHERS, SO SHALL IT BE DONE UNTO YOU ! ~ GOD BLESS YOU ALL

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webmaster@capitol.hawaii.gov

kobayashi2-Lynda

From: Kahana Ho <kahanakitty@gmail.com>
Sent: Thursday, March 12, 2015 6:41 PM
To: HUS testimony
Subject: Qualified Support for SB1014, with suggested AMENDMENT

Categories: Orange Category

RE: Qualified Support for SB1014, with suggested AMENDMENT

Aloha mai, Chair Dee Morikawa, Vice Chair Bert Kobayashi, and the esteemed members of the House Committee on Human Services:

I am writing to request that SB1 be passed, with suggested amendments.

The original purpose of SB1014 was to define:

"specific rights granted to a person who is houseless including equal access to housing, jobs, and shelters, equal treatment by government agencies, and access to life-sustaining activities and essential services."

In order to ensure the Equal Protections and Due Processes that houseless persons are entitled to under the Constitutions of the State of Hawai'i and the United States, the Bill of Rights must have enforceability; such enforceability was included in the original form of the bill, SB1014, in the following language:

(b) "A court of competent jurisdiction may award a plaintiff if violation of these rights occurs."

However, SB1 SD1 effectively strips the "Bill of Rights" of any legal significance, rendering it essentially unenforceable. In its current form, it is nothing more than "nice suggestions". This does not create any substantive rights for Houseless persons, as the "Bill of Rights" would be superseded by any

"state or county laws, state rules and regulations, federal law, and the constitutions of the State and the United States." Such laws, rules and regulations already are being enacted and implemented which effectively target houseless persons, denying them basic human rights and liberties.

Therefore, I respectfully request that you SUPPORT SB1014, WITH the following AMENDMENTS:

Delete current language in SB1014 SD1, under § - 4 Bill of Rights :

(b) The rights afforded to houseless persons to ensure that their person, privacy, and property are safeguarded and protected as set forth in this chapter are available only insofar as they are implemented in accordance with other state or county laws, state rules and regulations, federal law, and the constitutions of the State and the United States."

and **replace with:**

(b) "Any person injured by a violation of the rights set forth in this Act may bring a civil action for appropriate injunctive relief or declaratory relief and for damages sustained by the person, and, if the judgment is for the plaintiff, the plaintiff shall be entitled to recover actual damages and reasonable attorney's fees."

Mahalo ā nui loa, ā me ke
Aloha pūmehana,
Kahana Ho
Honolulu, Hawai'i

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 12, 2015 6:37 PM
To: HUS testimony
Cc: kahanakitty@gmail.com
Subject: Submitted testimony for SB1014 on Mar 17, 2015 09:30AM

SB1014

Submitted on: 3/12/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Kahana | Individual | Support | No |

Comments: RE: Qualified Support for SB1014, with suggested AMENDMENT Aloha mai, Chair Dee Morikawa, Vice Chair Bert Kobayashi, and the esteemed members of the House Committee on Human Services: I am writing to request that SB1 be passed, with suggested amendments. The original purpose of SB1014 was to define: "specific rights granted to a person who is houseless including equal access to housing, jobs, and shelters, equal treatment by government agencies, and access to life-sustaining activities and essential services." In order to ensure the Equal Protections and Due Processes that houseless persons are entitled to under the Constitutions of the State of Hawai'i and the United States, the Bill of Rights must have enforceability; such enforceability was included in the original form of the bill, SB1014, in the following language: (b) "A court of competent jurisdiction may award a plaintiff if violation of these rights occurs." However, alarmingly, SB1 SD1 effectively strips the "Bill of Rights" of any legal significance, rendering it essentially unenforceable. In its current form, it is nothing more than "nice suggestions". This does not create any substantive rights for Houseless persons, as the "Bill of Rights" would be superseded by any "state or county laws, state rules and regulations, federal law, and the constitutions of the State and the United States." Such laws, rules and regulations already are being enacted and implemented which effectively target houseless persons, denying them basic human rights and liberties. Therefore, I respectfully request that you SUPPORT SB1014, WITH the following AMENDMENTS: Delete current language in SB1014 SD1, under § - 4 Bill of Rights : (b) The rights afforded to houseless persons to ensure that their person, privacy, and property are safeguarded and protected as set forth in this chapter are available only insofar as they are implemented in accordance with other state or county laws, state rules and regulations, federal law, and the constitutions of the State and the United States." and replace with: (b) "Any person injured by a violation of the rights set forth in this Act may bring a civil action for appropriate injunctive relief or declaratory relief and for damages sustained by the person, and, if the judgment is for the plaintiff, the plaintiff shall be entitled to recover actual damages and reasonable attorney's fees." Mahalo ā nui loa, ā me ke Aloha pūmehana, Kahana Ho Honolulu, Hawai'i

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 12, 2015 7:08 PM
To: HUS testimony
Cc: patricia.blair@msn.com
Subject: *Submitted testimony for SB1014 on Mar 17, 2015 09:30AM*

SB1014

Submitted on: 3/12/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Patricia Blair | Individual | Support | No |

Comments:

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 13, 2015 2:57 PM
To: HUS testimony
Cc: miyake6@gmail.com
Subject: Submitted testimony for SB1014 on Mar 17, 2015 09:30AM

Categories: Orange Category

SB1014

Submitted on: 3/13/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------------|--------------|--------------------|--------------------|
| Robert Miyake-Stoner | Individual | Support | No |

Comments: This is worthy legislation to protect the rights of fellow human beings.

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kobayashi2-Lynda

From: santos alvarez <aumakua639639@gmail.com>
Sent: Thursday, March 12, 2015 8:11 PM
To: HUS testimony
Subject: Support of Bill SB1014SD1

I have been houseless, and understand how it is to be mistreated and dismissed. I support Bill SB1014SD1.
Please give the houseless a dignified chance. Mahalo.

I strongly support SB1014 to establish The Houseless Bill of Rights granting houseless people equal access to housing, jobs, shelters, equal treatment by government agencies, and access to life-sustaining activities and essential services.

Criminalization of the homeless is a human rights violation recognized by the United Nations. The UN has called upon the United States to repeal laws criminalizing homelessness.

City-run sweeps or "raids" on families in homeless encampments cause:

- 1) Houseless persons losing their jobs as they miss work to tend to their belongings during raids;
- 2) Difficulty for social services providers to maintain contact with the houseless and to direct them toward permanent housing and medical services;
- 3) Confiscation and unconstitutional disposal of identification and important documents such as Social Security cards, birth certificates, and marriage licenses, all of which are documents needed to obtain and maintain benefits, housing, housing first, employment and medication for serious medical conditions;
- 4) Relegating the victims of these raids to prolonged poverty since raids are responsible for the confiscation of all property belonging to the houseless person involved.

Criminalizing the homeless has proven massively ineffective in other places (San Francisco, Los Angeles, South Carolina, Massachusetts, Florida, etc.) as well as in Honolulu, and only succeeds in wasting taxpayer dollars. Once the "offenders" have served their time, they go back to the streets and sidewalks and the State and City will have accomplished nothing. The only thing these policies do is make it even harder for homeless persons to exit out of poverty since they will then have an additional hardship: a criminal record.

Please expedite the establishment of The Houseless Bill of Rights.

Thank you,

Sylvia Pope-Young

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 13, 2015 2:29 PM
To: HUS testimony
Cc: sylvias-space@att.net
Subject: Submitted testimony for SB1014 on Mar 17, 2015 09:30AM

Categories: Orange Category

SB1014

Submitted on: 3/13/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------|--------------|--------------------|--------------------|
| Sylvia Pope-Young | Individual | Comments Only | No |

Comments: Please amend SB1014 SD1 by deleting section 11(b) completely and by replacing the language in 11(b) with the following: 'Any person injured by a violation of the rights set forth in this Act may bring a civil action for appropriate injunctive relief or declaratory relief and for damages sustained by the person, and, if the judgment is for the plaintiff, the plaintiff shall be entitled to recover actual damages and reasonable attorney's fees.' Thank you, Sylvia Pope-Young

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 16, 2015 10:11 AM
To: HUS testimony
Cc: dave.mulinix@juno.com
Subject: Submitted testimony for SB1014 on Mar 17, 2015 09:30AM

SB1014

Submitted on: 3/16/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--------------|--------------------|--------------------|
| David Mulinix | Individual | Support | Yes |

Comments: Aloha Representatives, I am writing asking you to vote in support of SB1014 "The Houseless Bill of Rights." The Houseless here in Hawai'i are treated like second class citizens. The Honolulu County Council has passed a series of laws that essentially make it illegal to be poor and Houseless in Hawai'i. The police and City workers use these laws to take all of the belongings of the Houseless and destroy them, including, but not limited to their only shelter, bedding, food, identification, legal documents, etc., leaving the Houseless destitute and hampered from getting services because they lack identification, etc. Just like the illegal voting laws of the 1960s, these laws passed by the Honolulu County Council violate the Civil Rights of the poorest of the poor here in Hawai'i, who do not have the funds or legal resources to fight for their Rights. Passage of SB1014 will help to ensure that the Civil Rights of the Houseless here in Hawai'i are honored. Mahalo for you kind attention, David Mulinix, Ahuimanu, 96744

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 16, 2015 1:06 AM
To: HUS testimony
Cc: jpappas60@gmail.com
Subject: *Submitted testimony for SB1014 on Mar 17, 2015 09:30AM*

SB1014

Submitted on: 3/16/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Janet Pappas | Individual | Support | No |

Comments:

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 15, 2015 12:42 PM
To: HUS testimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB1014 on Mar 17, 2015 09:30AM*

SB1014

Submitted on: 3/15/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|--------------|--------------------|--------------------|
| Javier Mendez-Alvarez | Individual | Support | No |

Comments:

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 15, 2015 9:19 PM
To: HUS testimony
Cc: zertle13@gmail.com
Subject: Submitted testimony for SB1014 on Mar 17, 2015 09:30AM

SB1014

Submitted on: 3/15/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--------------|--------------------|--------------------|
| Seena Clowser | Individual | Support | No |

Comments: Please amend SB1014 SD1 by deleting section 11(b) completely and by replacing the language in 11(b) with the following: 'Any person injured by a violation of the rights set forth in this Act may bring a civil action for appropriate injunctive relief or declaratory relief and for damages sustained by the person, and, if the judgement is for the plaintiff, the plaintiff shall be entitled to recover actual damages and reasonable attorney's fees.' Mahalo.

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 15, 2015 12:59 PM
To: HUS testimony
Cc: islomane@gmail.com
Subject: Submitted testimony for SB1014 on Mar 17, 2015 09:30AM

SB1014

Submitted on: 3/15/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Shaun Campbell | Individual | Support | No |

Comments: I am in strong support of SB 1014. I oppose the criminalization of our homeless and believe that as long as such draconian and potentially unconstitutional ordinances are in place, we should have a mechanism in place by which houseless persons convicted under anti-sit/lie laws can have their convictions expunged. Such convictions only make it harder for the houseless to secure viable employment. Please support this bill. Aloha no, Shaun Campbell Waikiki, Hawai'i

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 15, 2015 8:39 PM
To: HUS testimony
Cc: davidsher@juno.com
Subject: Submitted testimony for SB1014 on Mar 17, 2015 09:30AM

SB1014

Submitted on: 3/15/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Sherry Pollack | Individual | Support | No |

Comments: Aloha I urge the Committee on Human Services to support and pass SB1014 SD1, the Houseless Bill of Rights, which would protect the civil and human rights of people without homes. It's been highly disturbing to watch the growing discrimination and abuse of the po or and homeless within Hawaii as a result of ordinances passed by the City Council. Enforcement of these ordinances, known as 'raids,' has resulted in making it much more difficult for houseless individuals to maintain jobs, go to school, and access needed services--- as all their meager possessions including ID, medication, school books, food, bedding and tents regularly are being confiscated and thrown away. These raids are being carried out on a regular basis, causing more pain and stress to families who are already trying to cope with immense challenges. The unfortunate reality is that it's become imperative to establish legal protections and safeguards for the homeless since the causes of houselessness, such as lack of affordable housing, have not be addressed. Additionally, please amend SB 1014 SD1 by deleting section 11(b) completely and by replacing the language in 11(b) with the following: "Any person injured by a violation of the rights set forth in this Act may bring a civil action for appropriate injunctive relief or declaratory relief and for damages sustained by the person, and, if the judgment is for the plaintiff, the plaintiff shall be entitled to recover actual damages and reasonable attorney's fees." Please stand up for what is pono and pass SB1014 SD1 with the suggested ammendment. Prove that Hawaii truly is the aloha state, and we care about all, especially those less fortunate. Respectfully, Sherry Pollack Ahuimanu

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March 15, 2015

TO: HOUSE COMMITTEE ON HUMAN SERVICES (HUS)

Rep. Dee Morikawa, Chair

Rep. Bertrand Kobayashi, Vice Chair

Rep. Della Au Belatti

Rep. Richard P. Creagan

Rep. Mark J. Hashem

Rep. Jo Jordan

Rep. Marcus R. Oshiro

Rep. Beth Fukumoto Chang

RE: TESTIMONY IN SUPPORT OF SB 1014, SD 1

HEARING: TUESDAY, MARCH 17, 2015, 9:30 AM, CONFERENCE ROOM 329,

STATE CAPITOL, 415 SOUTH BERETANIA STREET

Dear House Committee on Human Services,

My name is Michelle Wong, and I am a Master of Social Work graduate student at the University of Hawaii's Myron B. Thompson's School of Social Work. Thank you for the opportunity to testify in **strong support of SB 1014**, relating to the Houseless Bill of Rights.

Despite Hawaii's lack of affordable housing, adequate shelter availability, and other resources, people who are houseless (PWH) have been continually penalized for their circumstances. Furthermore, the enforcement of our city and county's sit-lie ban ordinances has been violating the civil rights of PWH and punitive toward acts of dire need and survival. Abrupt raids and seizures of PWH's limited possessions and criminalizing this population, including some of our most vulnerable populations, further victimize, stigmatize, marginalize, and weaken PWH, whose physical strength, resources, and morale are already likely diminished.

Due to the constitutional transgressions that PWH in Hawaii are experiencing, enacting a Houseless Bill of Rights in Hawaii, such as SB 1014, would provide some civil liberty protection for our island's houseless neighbors. All of us, with or without homes, are equally entitled to fair treatment and fundamental human rights of dignity and respect. SB 1014 is a step toward reestablishing constitutional protections for all of us in Hawaii, whether or not we are living in homes. "Houseless" individuals are our family members (many of whom are struggling to raise their own families), friends, neighbors, co-workers, and above all, these are human beings deserving of fundamental human rights in particular need of our compassion and support, not punishment.

I am heartened by SB 1014 as a necessary reminder of our inalienable human birthrights that honor our life and value as human beings and the basic civil liberties to which all individuals, houseless and housed alike, are naturally entitled and are already represented in our United States Constitution. In our quest to live in a civil society alongside our differences, the upholding of our civil rights assists us in securing our similar human needs and birthrights.

I sincerely appreciate the opportunity to testify **in favor of SB 1014**, thank you.

Respectfully,
Michelle Wong
mwong9@hawaii.edu

SB 1014, SD1

LATE TESTIMONY

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 16, 2015 1:59 PM
To: HUS testimony
Cc: LYNNERONDERKO@GMAIL.COM
Subject: *Submitted testimony for SB1014 on Mar 17, 2015 09:30AM*

LATE

SB1014

Submitted on: 3/16/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Lynn Onderko | Individual | Support | No |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 16, 2015 1:49 PM
To: HUS testimony
Cc: rainawhiting@gmail.com
Subject: *Submitted testimony for SB1014 on Mar 17, 2015 09:30AM*

LATE

SB1014

Submitted on: 3/16/2015

Testimony for HUS on Mar 17, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|----------------|--------------------|--------------------|
| K. Raina Whiting | In The Streets | Support | No |

Comments:

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| K. Raina Whiting | Individual | Support | No |

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GOVERNOR



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LATE

RACHAEL WONG, DrPH
DIRECTOR

PANKAJ BHANOT
DEPUTY DIRECTOR

COLIN KIPPEN

- Chair of the Hawaii Interagency Council on Homelessness •
 - State Coordinator on Homelessness •
- Telephone 808 586-0974

March 16, 2015

MEMORANDUM

TO: The Honorable Dee Morikawa, Chair
House Committee on Human Services

FROM: Colin Kippen, Chair of the Hawaii Interagency Council on
Homelessness, State Coordinator on Homelessness

SUBJECT: **S.B. 1014 SD 1 – RELATING TO THE HOUSELESS BILL OF
RIGHTS**

Hearing: Tuesday, March 17, 2015; 9:30 a.m.
Conference Room 329; State Capitol

PURPOSE: S.B. 1014 SD 1 defines specific rights granted to a person who is houseless including equal access to housing, jobs, and shelters, equal treatment by government agencies, and access to life-sustaining activities and essential services.

POSITION: I am writing in **support of the intent** of SB1014 SD 1, with the following comments.

AN EQUAL OPPORTUNITY AGENCY

I am Colin Kippen and I am the State Coordinator on Homelessness.

At a previous hearing of SB1014 before the Senate Human Services and Housing Committee, on January 31, 2015, I opposed this bill on the grounds that I did not think it necessary because I assumed U.S. and State constitutional protections embedded within the 1st, 4th, 5th, 8th, and 14th amendments would suffice.

Upon further review, I find my original opinion shortsighted, because the reality is that those who are homeless, who may be mentally or physically disabled, who may be ill or infirm, who do not have a permanent address, who may not know or reasonably be able to predict where they will be spending their next days and nights, who may have lost or had destroyed key identification required as a predicate to routine and normal public discourse and access to publicly available services and benefits to which they have earned or to which they may be entitled, including access to legal services, may not be able to reasonably contact, meet with or consult in a predictable and reasonable manner with volunteer legal counsel, and may have been subjected to having their property confiscated, being arrested, detained, or incarcerated for violating City and County sit and lie ordinances.

My previous position assumed that those who were homeless would be in a similar situation to all of us who are not homeless, who have access to all of the services and benefits which we have earned or to which we are entitled, and who have the standing, resources, and stability to recruit, consult, hire, and reasonably assist a lawyer in the pursuit of our constitutional challenge. My previous assumption was and is inaccurate for many homeless individuals who are living unsheltered, and for many other homeless individuals who are residing in emergency and transitional shelters for the reasons mentioned in the preceding paragraph.

Constitutional litigation to protect the rights of a person (i.e. such as one who is homeless) from overreaching by government legislation or enforcement is expensive, time consuming, and drawn out. It requires a huge investment of time and money on the part of counsel for the homeless to discover the facts, to frame the arguments, to file the lawsuit, to discover the government's case, to bring and defend preliminary and other motions which could dispose of the case before trial, to brief, argue and try the case, to brief, argue and respond to motions on appeal after a finding is entered by the lower court, and to repeat many of these steps at each level of appeal before a final judgment is rendered.

The reality is that constitutional challenges are seldom successful in part because of huge disparities between the resources a homeless plaintiff and the government defending its enactment are able to bring to bear to prosecute and defend their respective cases as the case may be. In a recent case brought by homeless plaintiffs against Bill 54 of the City and County of Honolulu, the homeless plaintiffs settled the lawsuit against the city by dropping their challenge to the constitutionality of the bill on its face and instead compromised and agreed that the city would shore up its due process provisions to reduce the obstacles for homeless individuals to effectuate the return of their personal property confiscated by the City. It is likely to assume that if the plaintiffs had sufficient time and resources to continue, that they would have sought an overturn of Bill 54 on its face.

An enumeration of the various protections in SB1014 SD 1 are a shorthand way of enunciating the baseline requirements that we as a society expect at a minimum for all people, including those who are "houseless" without the homeless person having to endure the indignity and disruption of being criminalized for being homeless- - and launching a lengthy and expensive constitutional challenge with funds they do not have.

Many of those who have presented testimony in support of this bill have made a compelling case against the criminalization of those who are homeless on the grounds that it is cruel, extremely disruptive, and an expensive diversion of government funds that could be put to much better use through the funding of housing and necessary services. The State has adopted this approach, as noted through its implementation of Housing First and its alignment and adoption of national evidence based best practices which discourages the criminalization of the homeless and encourages the creation of positive approaches that actually have been proven effective in ending homelessness.

I would support an amendment to SD1 that would answer the question of whether SB 1014 SD 1 creates a special class of benefits for those who are houseless by amending page 2, line 17 and 18 to read, "(a) The houseless bill of rights includes the following guarantees to all, including houseless individuals:"

I am thankful for the opportunity to testify, that your committee is hearing and considering this bill, and that you are weighing the disruption and efficacy of criminalizing the homeless versus the advantages of adopting positive and effective strategies that actually end homelessness in Hawaii.